

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6898**

**BILL NUMBER:** HB 1120

**NOTE PREPARED:** Dec 28, 2005

**BILL AMENDED:**

**SUBJECT:** Human and Sexual Trafficking.

**FIRST AUTHOR:** Rep. Ruppel

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** The bill makes it promotion of human trafficking, a Class B felony, for a person to recruit, harbor, or transport another person to: (1) engage the other person in forced labor or involuntary servitude; or (2) force the other person into marriage or prostitution.

It makes it sexual trafficking of a minor, a Class A felony, for certain individuals to sell or transfer custody of a child less than 18 years of age for the purpose of prostitution.

This bill also makes it human trafficking, a Class B felony, for a person to pay for an individual who is forced into forced labor, involuntary servitude, marriage, or prostitution.

The bill makes it felony murder for a person to kill another person while committing or attempting to commit promotion of human trafficking, sexual trafficking of a minor, or human trafficking.

**Effective Date:** July 1, 2006.

**Explanation of State Expenditures:** There are no data available to indicate how many offenders may be convicted of promotion of human trafficking, a Class B felony; sexual trafficking of a minor, a Class A felony; or human trafficking, a Class B felony. If a person knowingly or intentionally kills another person while committing a human and sexual trafficking crime, the offense would be murder, a felony.

Depending upon mitigating and aggravating circumstances, a Class A felony is punishable by a prison term ranging from 20 to 50 years, and a Class B felony is punishable by a prison term ranging from 6 to 20 years.

Murder is punishable by a fixed prison term of 55 years, with not more than 10 years added or subtracted for aggravating or mitigating circumstances.

The average expenditure to house an adult offender was \$20,979 in FY 2005. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class A felony offenders is approximately 9.1 years and approximately 3.7 years for all Class B felony offenders.

**Explanation of State Revenues:** If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A or a Class B felony, and murder is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** Court procedures for murder may vary from "typical" cases, resulting in increased use of court and prosecutor time and resources. However, the additional cost associated with these procedures will depend on the actions of the court and court caseload.

If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members. However, the amounts would likely be small.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs' Association, Department of Correction.

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